#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
TEITELBAUM et al.	) Group Art Unit: Unassigna	ed
Scrial No.: 10/534,055	) Examiner: Unassigned	
Filed: May 6, 2005	Confirmation No. 2702	
Title: TRANSPEDICULAR INTERVERTEB		

#### RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

#### MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which

Attorney Docket No. 64118.000192 Application Serial No. 10/534,055 Customer No. 21967

grant this petition, and to accept U.S. Application No. 10/534,055 for the prosecution in due course to which Medtronic Sofamor Danek and Applicants George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson are entitled.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

> Respectfully submitted, **HUNTON & WILLIAMS**

Registration No. 42,738

Hunton & Williams LLP 1900 K Street, N.W., Suite 1200 Washington, D.C. 20006-1109 Telephone (202) 955-1950 Facsimile (202) 778-2201

Dated: June 6, 2006

#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)
TEITELBAUM et al.	) Group Art Unit: Unassigned
Serial No.: 10/534.055	) Examiner: Unassigned
Filed: May 6, 2005	Confirmation No. 2702
Title: TRANSPEDICULAR INTERVERTEBRA DISK ACCESS METHODS AND DEVICE	

#### DECLARATION OF ROBERT A. KING, ESQ.

#### I, Robert A. King, state as follows:

- 1. I am a registered patent attorney (Reg. No. 42,738) employed by the law firm of Hunton & Williams LLP, legal representative of Medtronic Sofamor Danek for this matter. I submit this Declaration in support of the Renewed Petition under 37 C.F.R. 1.47(a) with respect to the above-referenced patent application.
- 2. A Notification of Missing Requirements under 35 U.S.C. 371 was mailed on July 25, 2005, from the U.S. Patent and Trademark Office with regard to the above-referenced patent application. In order to respond fully to the Notification of Missing Requirements, a signed oath or declaration from all the inventors was requested.
- 3. In a related patent application (U.S. Patent Application Serial No. 10/999,216) with the same inventive entity, Frank Nguyen was also a non-signing inventor. Sabrina Chambers of Medtronic Sofamor Danek executed a declaration in support of Mr. Nguyen's unavailability to sign. A copy of Ms. Chambers' declaration along with supporting Exhibits A-J were attached as Attachment A to Applicants' Petition Under 37 C.F.R. § 1.47(a), filed

November 23, 2005. The Rule 47 petition for Frank Nguyen in U.S. Patent Application Serial No. 10/999,216 was subsequently granted by the U.S. Patent and Trademark Office on September 13, 2005.

- 4. On October 25, 2005, Mr. Yisun Song, also a registered patent attorney employed by Hunton & Williams LLP, sent a letter to Frank Nguyen, a copy of which was attached to Applicants' November 23, 2005 Petition as Attachment B. In that letter, Mr. Song requested Mr. Nguyen to sign the declaration and Power of Attorney. A certified mail receipt for this letter was also attached as Attachment C. In response to the letter dated October 25, 2005, and the efforts related to obtaining Mr. Nguyen's signature for U.S. Application No. 10/534,055, we have not received a signed declaration from Mr. Nguyen. However, Mr. Nguyen's signature on the signed certified mail postcard clearly established that Superior, Colorado, was his last known mailing address.
- 5. On May 9, 2006, the U.S. Patent and Trademark Office mailed a Decision on Petition Under 37 CFR 1.47(a). The Office noted that a renewed petition should be filed that clearly set out the last known address for Frank Nguyen and clearly indicated whether Mr. Nguyen could be located at his last known address.
- 6. On May 18, 2006, a letter was mailed to Frank Nguyen via U.S. Certified Mail at his last known address of 1995 E. Coalton Road, #77, in Superior, Colorado, requesting that Mr. Nguyen execute and return a copy of the Declaration. A copy of the letter is included as Attachment 1. Pursuant to Section 409.03(d) of the MPEP, the letter clearly set out: 1) that Mr. Nguyen was requested to sign and return the Declaration, 2) the purpose for his doing so, and 3) that his failure to return a signed declaration represented his refusal to do so. Further, a

copy of the subject application to which the declaration pertains was included with the letter and Declaration.

- The U.S. Postal Service subsequently returned the package mailed to Mr. Nguyen. 7. The front of the package was stamped "NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD." A copy of the front of the package is attached as Attachment 2.
- 8. I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**DECLARANT:** 

Robert A. King

Date: 6 1000

3

ATTACHMENT 1

HUNTON & WILLIAMS LLP BANK OF AMERICA PLAZA

DIRECT DIAL: 404-888-4136 EMAIL: rking@hunton.com

FILE NO: 64118.000192

ATLANTA, GEORGIA 30308-2216

404 • 888 • 4000

404 • 888 • 4190

**SUITE 4100** 

ROBERT A. KING

TEL

FAX



May 18, 2006

# VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Frank Nguyen 1995 E. Coalton Road, #77 Superior, CO 80027

Re:

U.S. Patent Application No. 10/534,055

National Phase of PCT/US03/09285

Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

#### Dear Mr. Nguyen:

We are counsel for Medtronic Sofamor Danek. We write to ask that you execute the enclosed Declaration by signing and dating it in the spaces indicated, and that you return it to us in the envelope provided. Your signature on the Declaration verifies that you are a co-inventor in the above-referenced patent application, which was filed with the Patent Office on May 6, 2005. Further, your signature acknowledges that you are aware of your responsibility before the Patent Office to provide a copy of any information of which you become aware that may be considered relevant to the patentability of the invention. For your convenience, we enclose another copy of the application. We will need to file a copy of the executed Declaration with the Patent Office as soon as possible.

Your signature on the attached U.S. Postal Service return receipt postcard verifies that this letter has been forwarded to your correct mailing address. Therefore, your failure to sign, date, and return the Declaration indicates that you have no intention of doing so, and we will make no further attempts to contact you regarding this matter.

Very truly yours,

obert A. King

If you have any questions related to this matter, please feel free to contact us at your convenience.

RAK/sm

Attorney Docket No.: 64118.000192

#### DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which:	<ul><li>☐ is attached hereto.</li><li>☒ was filed on: May 6, 2005</li></ul>		
	as United States Application No.: or PCT International Application No.:	10/534,055	
	and was amended on:		(if applicable).
I hereby state that I specification, including the above.	have reviewed and understand the cor claims, as amended by any amendr	itents of the abo	ove-identified y referred to
t . t t. Al At			

l acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

#### Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed
PCT/US03/09285	PCT	25, March, 2003		Yes No
				Yes No
•				Yes No

#### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002

#### Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER 21967

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE INVENTOR:	OR FIRST		A petition has b	oeen filed	for this unsigned inventor
Signature				Date	
Given Name (first and middle (it	any)) Ge	orge P.	Family Nor Surna		TEITELBAUM
Citizenship:	US				!
Residence:	Santa Mo	onica, CA			
Mailing Address:	325 16 <sup>th</sup> 3	Street, Santa Mon	ica, CA 90402-22	17	
NAME OF SECO	ND INVENT	TOR:	A petition has b	een filed	for this unsigned inventor
Signature				Date	•
Given Name (first and middle (if	any)) Sai	muel M.	Family N or Surna		SHAOLIAN
Citizenship:	US				
Residence:	Newport I	Beach, CA			
Malling Address:	2315 Arbi	utue Street, Newp	ort Beach, CA 92	660	
NAME OF THIRE	INVENTO	R:	A petition has b	een filed Date	for this unsigned inventor
Given Name (first and middle (if	any)) <b>Th</b> a	inh Van	Family N or Suma		NGUYEN
Citizenship:	US				*
Residence:	Irvine, CA				
Mailing Address:	4752 Roxl	bury Drive, Irvine,	CA 92604		·
NAME OF FOUR	TH INVENT	OR:	A petition has b	een filed	for this unsigned inventor
Signature		······································		Date	
Given Name (first and middle (if a	eny)) Fran	nk	Family Na or Surnar		NGUYEN
Citizenship:	US				
Residence:	Superior, C	00			
Mailing Address:	1995 E. Co	palton Road, #77-	203, Superior, CC	80027	•

**HUNTON & WILLIAMS LLP** intellectual Property Department . 1900 K Street, N.W. **Suito 1200** Weshington, DC 20006-1109 (202) 955-1500 (telephone); (202) 776-2201 (facalmile)

Mailing Address:

NAME OF FIFTI	HINVENION:		A petition has been filed	for this unsigned inventor
Signature			Date	
Given Name (first and middle (it	fany)) To V.		Family Name or Surname	PHAM
Citizenship:	US			
Residence:	Trubuco Canyon, Ca	4		
Mailing Address:	28422 Pueblo Drive	, Trubuco (	Canyon, CA 92679	
NAME OF SIXT	INVENTOR:		A petition has been filed	for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any)) Vincent		Family Name or Surname	DIVINO, Jr.
Citizenship:	US			
Residence:	Mission Viejo, CA			
Mailing Address:	24436 Muela, Missio	n Viejo, C	A 92692	•
NAME OF SEVE	NTH INVENTOR:		A petition has been filed	for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any)) Michael R.		Family Name or Surname	HENSON
Citizenship:	US			
Residence:	Coto de Casa, CA			

2 Via Presea, Coto de Casa, CA 92679

#### ATTACHMENT 2

Complete items 1, 2, and 3. Also complete	A. Received by (Please Print Clearly) B. D.	ate of Delivery	<b>.</b>
Item 4 if Restricted Delivery is desired.  Print your name and address on the reverse			
so that we can return the card to you.	C. Signature		
Attach this card to the back of the mailpiece, or on the front if space permits.	. X	☐ Agent ☐ Addressee	
Article Addressed to:	,	☐ Yes	
Mr. Frank Nguyen	If YES, enter delivery address below:		. •
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100 RE Coalthy Total Hood		i.	•
1995.E. Coalton Road,#77		i .	· :
1995.E. Coalton Road,#77 Superior, CO 80027		i .	
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Superior, CO 80027	Certified Mail  Express Mall,  Registered  Return Receipt for  C.O.D.	r Merchandise . □ Yes	
Superior, CO 80027  Article Number (Copy from service label)	Certified Mail  Express Mall,  Registered  Return Receipt for  C.O.D.		
Article Number (Copy from service label)  Form 3811, July 1999  Ton Raid, #77  Superior, CO 80027  Article Number (Copy from service label)  Ton 3811, July 1999  Definesses	Certified Mail  Express Mall,  Registered  Return Receipt for  C.O.D.  Insured Mail  C.O.D.  4. Restricted Delivery? (Extra Fee)		

Attorney Docket No.: 64118.000192

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought or the invention entitled:

# TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

	IXI Was IIIEU UII. IVIUY UI III	4,055 (if applicable).
I hereby state that identified specification, inc	I have reviewed and understand the con luding the claims, as amended by any am	tents of the above- endment specifically

referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

## Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed
Number PCT/US03/09285	PCT	25, March, 2003		Yes No
				Yes No

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed  Yes No
1				

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60/424,942	8, November, 2002

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NAME OF SOLE O	R FIRST INVENTOR:		A petition has been filed	for this unsigned inventor
	Festella	us	Date	10/17/05
Signature	1		Family Name	
Given Name (first and middle (if	any)) George P.		or Surname	TEITELBAUM
Citizenship:	us			
Residence:	Santa Monica, CA			
Mailing Address:	325 16th Street, Santa	a Moni	ca, CA 90402-2217	
NAME OF SECON	ID INVENTOR:		A petition has been filed	for this unsigned inventor
	·		Date	
Signature			Family Name	
Given Name (first and middle (if	any)) Samuel M.		or Surname	SHAOLIAN
Citizenship:	US			
Residence:	Newport Beach, CA			
Mailing Address:	2315 Arbutus Street,	, Newp	ort Beach, CA 92660	
NAME OF THIRD	INVENTOR:		A petition has been file	d for this unsigned inventor
			Date	
Signature				
Given Name (first and middle (i	fany)) Thanh Van		Family Name or Surname	NGUYEN
Citizenship:	us			
Residence:	Irvine, CA			
Mailing Address:	4752 Roxbury Drive,	Irvine	CA 92604	

HUNTON & WILLIAMS LLP Intellectual Property Department 1900 K Suest, N.W. Suns 1700 Washington, DC 20006-1109 (202) 955-1500 (telephone); (202) 778-2201 (facsimile)

Mailing Address:

NAME OF FIFTH	INVEN	ITOR:		A petition has been filed	iol mia nueibung inventor
Sign:ature	4			Date	
Given Name (first and middle (if	any))	To V.		Family Name or Surname	PHAM
Citizenship:	U\$			•	
Residence:		uco Canyon, CA			
Malling Address:	2842	22 Pueblo Drive,	Trabuco	Canyon, CA 92679	
NAME OF SIXTH	INVE	NTOR:		A petition has been filed	for this unsigned inventor
Clandiure				Date	
Signature  Given Name (firet and middle (if	eny);	Vinceni		Family Name or Surname	MIVINO, Jr.
Citizenship:	US				
Residence:	Miss	sion Viejo, CA			
Malling Address:	244	36 Muela, Missio	n Viejo, (	CA 92692	
NAME OF SEVE	NTH II	NVENTOR:		A petition has been filed	d for this unsigned inventor
Signature				Date	
Given Name (first and middle (if	eny))	Michael R.		Family Name or Sumame	HENSON
Citizenship:	au				
Residence:		o de Casa, CA			
Mailing Address:	2 V	la Presea, Coto d	e Casa,	CA 92679	

HUNTON & WALLAMS LLP
Intellectual Property Department
1900 K Street N.W.
Suite 1200
Washington, DC 20006-1109
[202] 955-1800 (Letephone); (202) 778-2201 (Iscalmile)

Attorney Docket No.: 64118.000192

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or, an original, first and joint inventor (if plural names are listed below) of the subject matter which is cisimed end for which a patent is sought or the invention entitled:

# TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

	is attached hereto.  Was filed on: May 6, 2005  as United States Application No.: 10/534,055  or PCT International Application No.:	
	and was amended on:	(if applicable).
I hereby state that identified specification, increferred to above.	I have reviewed and understand the contents of sluding the claims, as amended by any amendment	the above- specifically

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

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Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed
PCT/US03/09285	PCT	25, March, 2003		Yes No
				Yes No

Application Number  Country  Date of Filing (day, month, year)  Output  Date of Issue (day, month, year)  Yes  No  The priority Claimed  Yes  No  No  The priority Claimed  Yes  No  The priority Claimed
--

# Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002

## Prior United States Application(5)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose provided by the first paragraph of 35 U.S.C. § 1.56(a) which occurred between the filing material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
	Date of Filing (day, month, year)

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

IAME OF SOLE ( NVENTOR:	OR FIRST		A petition has been filed	for this unsigned inventor
, , <del>, , , , , , , , , , , , , , , , , </del>			Date	
Signature Siven Name First and middle (if a	enyj) George P.		Family Name or Sumame	TEITELBAUM
Citizenship: Residence:	Santa Monica, CA	A Looka Manier	· CΔ 90402-2217	
Mailing Address:	325 16" Street, S	santa Monica	a, CA 90402-2217	
	NID INVENTOR:		A petition has been filed	d for this unsigned inventor
NAME OF SECO	ND INVENTOR:	-	⇒ Date	10-17-05
Signature Given Name	anv)) Samuel M.		Family Name or Sumame	SHAOLIAN
(first and middle (if Citizenship: Residence:	US Newport Beach,	CA	rt Beach, CA 92660	·
Mailing Address:				ed for this unsigned inventor
NAME OF THIR	D INVENTOR:		A petition has been me	
<b>4</b> 1	Malowy	1	Date	10-19-05
Signature  Given Name  (first and middle (i	fany)) Thanh Va	n	Family Name or Surname	NGUYEN
Citizenship:	us			
Residence:	Irvine, CA		DA 0200'A	
Mailing Address:	4752 Roxbury D	rive, Irvine,	CA 92004	•
	RTH INVENTOR:		A petition has been fil	ed for this unsigned inventor
Oi-paties			Date	3
Signature	(if any)) Frank		Family Name or Surname	NGUYEN
Citizenship:	บร	,		
Residence:	Superior, CO		and Superior CO RN	727
Mailing Address:	1995 E. Coalton	Road, #/ /-	203, Superior, CO 800	₩ 5 1

HUNTON & WILLIAMS LLP
Intellectual Property Department
1800 K Street, N.W.
Suite 1200
Weshington, DC 20005-1109
(202) 866-1500 (leiophone); (202) 778-2201 (facsimile)

NAME OF FIFTH	INVE	NTOR:	لــا	A petition has been filed	tot tuis nusidues maeuroi
Signature				Date	:
Given Name (first and middle (if:	any))	To V.		Family Name or Surname	PHAM
Citizenship:	US			•	
Residence:		uco Canyon, CA			
Mailing Address:	2842	22 Pueblo Drive,	Trabuco	Canyon, CA 92679	
NAME OF SIXTH	INVE	NTOR:		A petition has been filed	for this unsigned inventor
Signature				Date	
Given Name (first and middle (fi	sny);	Vincent		Family Name or Surname	מוצואס, גו
Chizonship:	US				<b>;</b>
Residence:	Miss	sion Viejo, CA			
Mailing Address:	244:	36 Muela, Mission	r Viejo, (	CA 92692	
NAME OF SEVE	וו אדא	NVENTOR:		A petition has been file	d for this unsigned inventor
Signature				Dais	
Given Name (first and middle (if	any))	Michael R.		Family Name or Sumame	HENSON
Citizenship:	US				
Residence:	Cot	o de Casa, CA			
Mailing Address:	2 Vi	a Presea, Coto d	e Casa,	CA 92679	

HUNYON & WALLIAMS LLP intellectual Property Department 1900 K Street, N.W. Suite 1200 Washington, DC 20005-1109 (202) 988-1500 (telephone); (202) 775-2201 (facsimile)

Attorney Docket No.: 64118.000192

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought or the invention entitled:

# TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

	as United States Application No.: 10/534,055	
	or PCT International Application No.:and was amended on:	(if applicable).
I hereby state that	I have reviewed and understand the contents of	the above-

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

#### Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed
Number PCT/US03/09285	PCT	25, March, 2003		Yes No
				Yes No L

Application Number	Country	Date of filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Yes No

## Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8. November. 2002

### Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
1401110		

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

Customer Number 21967

4048884190

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE	OR FIRST		A petition has been file	ed for this unsigned inventor
NVENTOR:			Date	
Signature			Family Name	
Eiver, Name first and middle (it a	inyj) George	e P.	or Sumame	TEITELBAUM
Citizenship:	US	- 04	•	
Residence:	Santa Monica	a, CA Seete Moni	~ CA 90402-2217	
Mailing Address:	325 16" Stre	et, Santa Mon	ca, CA 90402-2217	
NAME OF SECO	ND INVENTOR	₹: □	A petition has been file	ed for this unsigned inventor
Cian chura			Dati	
Signature  Given Name (first and middle (if:	any)) Samu	el M.	Family Name or Sumame	SHAOLIAN
Citizenship:	US			
Residence:	Newport Bea	ech, CA		
Mailing Address:	2315 Arbutu	s Street, Newp	ort Beach, CA 92660	
		Γ-		iled for this unsigned inventor
NAME OF THIRE	) INVENTOR:	<u>L</u>	] Apomor ion many	
Signature			Dat	te
Given Name (first and middle (if	any)) Thanl	h Van	Family Name or Surname	NGUYEN
Chizenship:	US			
Residence:	Irvine, CA		·	
Mailing Address:	4752 Roxbu	iry Drive, Irvine	e, CA 92604	
NAME OF FOUR	RTH INVENTO	<b>R:</b>	A petition has been to	filed for this uneigned inventor
			Da	ate
Signature			Family Name	NotiveN
Given Name (first and middle (i	(any)) Frani	K	or Surname	NGUYEN
Citizenship:	US	•		
Residence:	Superior, C	0	7-203, Superior, CO 80	0027
			77 7777 CUSSONE []]   KI	

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20008-1100
(202) 955-1500 (Inisphone); [202] 778-2201 (Isosimile)

Mailing Address:

NAME OF FIFTH	INVENTOR:	A pr	etition has been filed	for this unaigned inventor
Signiature	work	am	Date	10-18-05
Given Name (first and middle (if a	any)) To V.		Family Name or Surname	PHAM
Citizenship:	US		•	
Residence:	Trabuco Canyon, CA			
Malling Address:	28422 Pueblo Drive,	Trabuco Can	yon, CA 92679	
NAME OF SIXTH	INVENTOR:	ПАр	etition has been file	d for this unsigned inventor
Clandute			Date	
Signature  Given Name  (first and middle (if	eny): Vincent		Family Name or Surname	DIVINO, Jr.
Citizenship:	UŞ			
Residence:	Mission Viejo, CA			
Meiling Address:	24436 Muela, Missic	on Viejo, CA 🤄	92692	
NAME OF SEVE	NTH INVENTOR:	□ A r	petition has been file	ed for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any)) Michael R.		Family Name or Sumame	HENSON
Citizenship:	us			
Residence:	Coto de Casa, CA			
Mailing Address:	2 Via Presea, Coto	de Casa, CA	92679	

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 M Street, N.W.
Suite 1290
Weshington, DC 20006-1109
[707] 980-1800 (telephone); (202) 778-2201 (facelimite)

Attorney Docket No.: 64118.000192

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

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# TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which: is attached hereto.    Way 6, 2005	
I hereby state that I have reviewed and understand the contents of the about identified specification, including the claims, as amended by any amendment specific referred to above.	

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

# Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application	0	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed
Number	Country	25, March, 2003	7	Yes No
PCT/US03/09285	PCT	28, March, 2000		Ves No
				Yes No

Application Number Co	untry	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed  Yes No	
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### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

60/424,542 E. November, 2002,	Application Number	Date of Filing (day, month, year)
	60/424,542	8. November, 2002,
	60/424,942	6; 1400017

## Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

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CUSTOMER NUMBER 21967

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

IAME OF SOLE ( NVENTOR:	OR FIRST			A petition has been	n filed	for this unsigned inventor
1- no hure					Date	
Signature Siven Name first and middle (It a Citizenship:	enyj) Geo US	rge F		Family Nam or Sumanie		TEITELBAUM
Residence:	Santa Mor	nica, CA				
Asiling Address:	325 16 <sup>th</sup> S	treet, Santa	Monica	, CA 90402-2217	,	
NAME OF SECO	ND INVENT	OR:		A petition has bee	en filed	for this unsigned inventor
<b>-</b> • • • • • • •					Date	
Signature  Given Name  (first and middle (if	any)) San	nuel M.		Family Nar or Sumamo		SHAOLIAN
Citizenship:	US					
Residence:	Newport B	Beach, CA				
Mailing Address:	2315 Arbi	tus Street,	Newpork	Beach, CA 9260	60	
NAME OF THIRE	) INVENTO!	₹:		A petition has be	en file	d for this unsigned inventor
Signature					Date	
Given Name (first and middle (if	any)) Tha	anh Van		Family Na or Surnam		NGUYEN
Citizenship:	US					
Residence:	Irvine, CA					
Mailing Address:	4752 Rox	dury Drive,	Irvine, C	CA 92604		
NAME OF FOUR	RTH INVENT	OR:		A petition has be	en Ne	ed for this unsigned inventor
					Date	
Signature  Given Name  (first and middle (fi	any)) Fra	ank		Family Na or Surnan		NGUYEN
Citizenship:	US		•			
Residence:	Superior,	CO				
Mailing Address:	1995 E. C	Coalton Roa	d, #77-2	203, Superior, CC	800	02/

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1900 K Street, N.W.
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Washington, DC 20006-1109
(202) 955-1500 (telephone); (202) 778-2201 (facsimile)

NAME OF FIFTH INVENTOR:		A petition has been filed for this unsigned inventor			
Signature			Date		
Given Name (first and middle (If	any)) To V.		Family Name or Sumame	PHAM	
Citizenship:	US				
Residence:	Trubuco Canyon, CA				
Majiing Address:	28422 Pueblo Drive, Trubuco Canyon, CA 92679				
NAME OF SIXTH			A petition has been filed المراجعة	d for this unsigned inventor	
Signature	I start of the start of the				
Given Name (first and middle (if	any)) Vincent		Family Name or Sumame	DIVINO, Jr.	
Citizenship:	US			•	
Residence:	Mission Viejo, CA				
Mailing Address:	24436 Muela, Missior	ı Viejo, (	CA 92692		
NAME OF SEVE	NTH INVENTOR:		A petition has been file	d for this unsigned inventor	
Signature			Date		
Given Name (first and middle (if	any)) Michael R.		Family Name or Sumame	HENSON	
Citizenship:	US	•			
Residence:	Coto de Casa, CA		•	•	
Mailing Address:	2 Via Presea, Coto de	e Casa,	CA 92679	•	

Attorney Docket No.: 64118.000192

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

# TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

	as United States Application No.: 10/534,055 or PCT International Application No.: and was amended on:	(if applicable).
	I have reviewed and understand the contents of cluding the claims, as amended by any amendment	the above- specifically
enforced to above.	luty to disclose information which is material to pate	
defined in 37 C.F.R. § 1.5	6. ·	

## Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

date believe		C Fill-o	Date of Issue	
Application	O	Date of Filing (day, month, year)	l	Priority Claimed
Number	Country			Yes No
PCT/US03/09286	PCT	25, March, 2003		
				Yes No

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Yes No

# Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Number 1087, Horanier, 200
60/424,942 E, November, 200

# Prior United States Application(s)

hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose provided by the first paragraph of 35 U.S.C. § 1.56(a) which occurred between the filing material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

application		Status - Patented,
Application Number	Date of Filing (day, month, year)	Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER
21967

ali statements ma statements were	ade on information made with the kno	wledge th	at willful false state	knowledge are true and that true; and further that these ments and the like so made S.C. § 1001, and that such cation or any patent issuing
NAME OF SOLE (INVENTOR:	OR FIRST		A petition has been file	d for this unsigned inventor
			Date	
Signature  Given Name (first and middle (if a Citizenship:	enyj) George F. US		Family Name or Sumame	TEITELBAUM
Residence: Mailing Address:	Santa Monica, CA 325 16 <sup>th</sup> Street, Sar	nta Monica		
NAME OF SECO	ND INVENTOR:		A petition has been file	ed for this unsigned inventor
			Date	
Signature  Given Name  (first and middle (if:	any)) Samuel M.		Family Name or Sumame	SHAOLIAN
Citizenship:	US			
Residence:	Newport Beach, C.	Ą		
Mailing Address:	2315 Arbutus Street	et, Newport	Beach, CA 92660	
NAME OF THIRE	INVENTOR:		A petition has been fil	ed for this unsigned inventor
Signature			Dat	e
Gives Neme	any)) Thanh Van		Family Name or Surname	NGUYEN
Citizenship:	US			
Residence:	Irvine, CA			
Mailing Address:	4752 Roxbury Driv	re, Irvina, C	CA 92604	•
NAME OF FOUR	RTH INVENTOR:		A petition has been f	iled for this unsigned inventor
Signature			Da	te
Given Name		•	Family Name	NGUYEN
(first and middle (it	fany)) Frank		or Surname	
Citizenship:	US	•		
Residence:	Superior, CO			007
Mailing Address:	1995 E. Coalton F	Road, #77-2	203, Superior, CO 80	

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, H.W.
Suite 1200
Washington, DC 20008-4109
(202) 955-1500 (telephone); (202) 778-2201 (facsimila)

Mailing Address:

NAME OF FIFTH	INVENTOR:	A petition has been filed	for this unsigned inventor
•		Date	
Signature  Given Name  (first and middle (if		Family Name or Sumame	PHAM
Citizenship:	US		
Residence:	Trubuco Canyon, CA		
Mailing Address:	28422 Pueblo Drive,	Trubuco Canyon, CA 92679	
NAME OF SIXTH	INVENTOR:	A petition has been filed	for this unsigned inventor
Signature		Dale	
Given Name (first and middle (if	any)) Vincent	Family Name or Surname	DIVINO, Jr.
Citizenship:	us		•
Residence:	Mission Viejo, CA		
Mailing Address:	24436 Muela, Missic	in Viejo, CA 92692	
NAME OF SEVE	NTH INVENTOR:		d for this unsigned inventor
Signature	1//////	Date	
Given Name (first and middle (if	(any)) Michael R.	Family Name or Sumame	HENSON
Citizenship:	US		
Residence:	Coto de Casa, CA		•
Mailing Address:	2 Via Presea, Coto	de Casa, CA 92679	

**2**001

\*\*\*\*\*\*\*\*\*\*\* RX REPORT \*\*\*\*\*\*\*\*\*\*

RECEPTION OK

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RECIPIENT ADDRESS

4048884190

DESTINATION ID

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600 PEACHTRES STREET, N.E. **SUITE 4100** ATLANTA, GA 30308

404 • 888 • 4000 TEL

404 • 602 • 9050 FAX

FAX

TO

NAME

FIRM

U.S. Patent and Trademark Office

MAIL STOP PCT

571-273-0459

Office of PCT Legal Administration

**FAX NO.:** 

PHONE NO .:

PAGES (INCLUDING COVER):

37

ORIGINAL TO FOLLOW IN MAIL:

☐ Yes ⊠ No

FROM

NAME:

Robert A. King, Esq.

DIRECT DIAL:

404-888-4136

MESSAGE

In re Application Of:

Application No.:

TEITELBAUM et al.

Examiner:

Unassigned

Filed:

10/534,055

Art Unit:

Unassigned

May 6, 2005

Docket No.: 64118.000192

RECEIVED OF ROSE

Title:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS

**METHODS AND DEVICES** 

The following documents are transmitted via facsimile in connection with the abovereferenced patent application:

> Renewed Petition Under 37 C.F.R. 1.47(a) (4 pgs.) 1.

Declaration of Robert A. King, Esq., including Attachments 1-2 (12 pgs.) 2.

Copies of executed Declarations (20 pgs.) 3.

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404 • 888 • 4027.

**OPERATOR** 

DATE:

June 6, 2006

CLIENT/MATTER NO.:

64118.000192

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the workproduct doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notity us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

Patent Attorney Docket No. 64118.000192 Customer No. 21967

#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)
TEITELBAUM et al.	Group Art Unit: Unassigned
Serial No.: 10/534,055	) Examiner: Unassigned
Filed: May 6, 2005	) Confirmation No. 2702
Title: TRANSPEDICULAR INTERVERTEBI	

#### RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

#### MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention.

Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which



May 18, 2006

HUNTON & WILLIAMS LLP BANK OF AMERICA PLAZA SUITE 4100 ATLANTA, GEORGIA 30308-2216

TEL 404 • 888 • 4000 FAX 404 • 888 • 4190

ROBERT A. KING DIRECT DLAL: 404-888-4136 SMAIL: rking@hunton.com

FILE NO: 64118.000192

## VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Frank Nguyen 1995 E. Coalton Road, #77 Superior, CO 80027

Re:

U.S. Patent Application No. 10/534,055 National Phase of PCT/US03/09285

Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

#### Dear Mr. Nguyen:

We are counsel for Medtronic Sofamor Danek. We write to ask that you execute the enclosed Declaration by signing and dating it in the spaces indicated, and that you return it to us in the envelope provided. Your signature on the Declaration verifies that you are a co-inventor in the above-referenced patent application, which was filed with the Patent Office on May 6, 2005. Further, your signature acknowledges that you are aware of your responsibility before the Patent Office to provide a copy of any information of which you become aware that may be considered relevant to the patentability of the invention. For your convenience, we enclose another copy of the application. We will need to file a copy of the executed Declaration with the Patent Office as soon as possible.

Your signature on the attached U.S. Postal Service return receipt postcard verifies that this letter has been forwarded to your correct mailing address. Therefore, your failure to sign, date, and return the Declaration indicates that you have no intention of doing so, and we will make no further attempts to contact you regarding this matter.

If you have any questions related to this matter, please feel free to contact us at your convenience.

Very truly yours,

Bebert A. King

RAK/sm

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON OF FIVERS		
Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the malipiece, or on the front if space permits.  1. Article Addressed to:  Mr. Frank Nguyen  1995E. Coalton Rad,#77  Superior, CO 80027	A. Received by (Please Print Clearly)  C. Signature  X		
2. Article Number (Copy from service label)  PS Form 3811, July 1999	75 aipt 102595-00-M-0952		

Attorney Docket No.: 64118.000192

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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as United States Application No.: 10/534,055 or PCT International Application No.: (if applicable and was amended on:	
the contents of the above	ve-

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date before that of	the applica	LIOIT OIT TOWN	- Alegue	
Application Number	Country	Date of Filing (day, month, year) 25, March, 2003	1	Priority Claimed  Yes No   Output  Description:
PCT/US03/09285	PCT	20, William		Yes No

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Yes No

### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002

## Prior United States Application(s)

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ipplication:		Status - Patented,
Application Number	Date of Filing (day, month, year)	Pending, Abandoned
Mariner		
		vith full power of substitution

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER 21967

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and that these statements were made with the knowledge that willful false statement, or both, under 18 U.S.C. the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. \$ 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

application 1			has been filed	d for this unsigned inventor
NAME OF SOLE O	R FIRST INVENTOR:	ا د د در	Date	10/17/05
Signature  Given Name  (first and middle (if	any)) George P.		Family Name or Surname	TEITELBAUM
Citizenship: Residence: Mailing Address:	Santa Monica, CA 325 16th Street, Sant	ta Monic	a, CA 90402-2217	
NAME OF SECON	ND INVENTOR:		A petition has been file	ed for this unsigned inventor
Signature  Given Name  (first and middle (i	f any)) Samuel M.		Family Name or Surname	SHAOLIAN
Citizenship: Residence: Mailing Address:	US	t, Newp	ort Beach, CA 9266	O
NAME OF THIRI	O INVENTOR:		A petition has been f	iled for this unsigned inventor
Signature  Given Name  (first and middle	(if any)) Thanh Van		Family Name or Surname	NGUYEN
Citizenship: Residence: Mailing Address:	Irvine, CA	e, Irvine	e, CA 92604	

IAME OF FIFTH I	NVENTOR:			for this unaigned inventor
Signature  Siyen Name  first and middle (If a	ny)) To V.		Family Name or Surname	PHAM
Citizenship: Residence: Malling Address:	US Trabuco Canyon, CA 28422 Pueblo Drive.	Trabuc0	Canyon, CA 92679	
NAME OF SIXTH	INVENTOR:		A petition has been file	d for this unsigned inventor
NAME OF SIX !!!			Date	
Signature  Given Name (first and middle (ii)	eny); Vincent		Family Name or Surname	DIVINO, Jr.
Citizenship:	US			
Residence: Mailing Address:	Mission Viejo, CA 24436 Muela, Missio	n Viejo,		
	NTH INVENTOR:		A petition has been file	ed for this unsigned inventor
Olemania (PC			Date	
Signature  Given Name (first and middle (i	fany)) Michael R.		Family Name or Sumame	HENSON
Citizenship:	US			
Residence:	Coto de Casa, CA	ام حمد	a CA 92679	
Mailing Address:	2 Via Presea, Coto	de Casi	a, CA decid	

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1900 K Street, N.W.
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Washington, DC 30006-1108
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Attorney Docket No.: 64118.000192

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the below) or an original, first and joint inventor (if plural names are listed below) of the below) or an original, first and joint inventor (if plural names are listed below) of the below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is cisimed and for which a patential and perfect of the inventor of the inventor of the subject matter which is cisimed and for the perfect of the inventor of the plural names are listed below).

## TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

as United States Application No.: 10/534,055 or PCT International Application No.:	applicable).
I have reviewed and understand the contents of the luding the claims, as amended by any amendment special to paten	

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

### Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or identified below by checking the box, any PCT international application having a filing plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number PCT/US03/09285	Country	Date of Filing (day, month, year) 25, March, 2003	4	Priority Claimed  Yes No
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Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed  Yes No
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### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8. November, 2002

### Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing material information and the national or PCT international filing date of this application:

application:		Status - Patented,
Application Number	Date of Filing (day, month, year)	Pending, Abandoned
		with full power of substitution at

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER
21967

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these all statements made on information and belief are believed to be true; and further that these all statements made with the knowledge that willful false statements and the like so made statements were made with the knowledge that willful false statements and that such are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

thereon.		a petition has been filed for	or this unsigned inventor
NAME OF SOLE OR FIRST INVENTOR:		Date	
Signature  Giver, Name (first and middle (if eny)) Georg  Chizenship:  Santa Monic	- 74	Family Name or Sumanie	TEITELBAUN
Mailing Address: 325 16th Streeth Stre	et, Santa Monica,	A petition has been filed  Date	for this unsigned inventor
(first and middle (ii air)	iel M.	Family Name or Sumame	SHAOLIAN
Citizenship: US	us Street, Newpor	t Beach, CA 92660  A petition has been file  Date	ed for this unsigned inventor
(first and middle (ii disy)  Citizenship:  US	nh Van	Family Name or Surname	NGUYEN
Residence:  Mailing Address:  NAME OF FOURTH INVENT	bury Drive, irvine,	CA 92004  A petition has been to Da	filed for this unsigned inventor
Signature	ank	Family Name of Surname	
Citizenship:	, CO Coalton Road, #7	7-203, Superior, CO 8	0027

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NAME OF FIFTH INVENTOR:			A petition has been filed	for this unsigned inventor
MINE OF THE TOP			Date	
Signature  Given Name  (first and middle (if a	any)) To V.		Family Name or Surname	PHAM
Citizenship: Residence: Mailing Address:	US Trabuco Canyon, CA 28422 Pueblo Drive,	Trabuco	Canyon, CA 92679	
NAME OF SIXTH	INVENTOR:		A petition has been filed	d for this unsigned inventor
NAME OF SIX III			Date	
Signature  Given Name (first and middle (if	any)] Vinceni		Family Name or Surname	DIVINO, Jr.
Chizenship: Residence: Mailing Address:	US Mission Viejo, CA 24436 Muela, Missio	on Vi <b>ejo</b> ,		
NAME OF SEVE	NTH INVENTOR:		A petition has been file	ed for this unsigned inventor
			Date	
Signature  Given Name  (first and middle (i	fany)) Michael R.		Family Name or Sumame	HENSON
Cilizenship: Residence: Mailing Address:	US Coto de Casa, CA 2 Via Presea, Coto	de Cas	a, CA 92679	

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Attorney Docket No.: 64118.000192

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the below) or an original, first and joint inventor (if plural names are listed below) of the below) or an original, first and joint inventor (if plural names are listed below) of the below) or an original, first and joint inventor (if plural names are listed below) of the below) or an original, first and joint inventor (if plural names are listed below) of the below) or an original, first and joint inventor (if plural names are listed below) or the invention subject matter which is claimed and for which a patential or the invention entitled:

## TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

as United States Application No.: 10/534,000	(if applicable).
and was among	the above-

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

### Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or identified below by checking the box, any PCT international application having a filing plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	•	Priority Claimed Yes No
PCT/US03/09285	PCT	25, March, 2003		Yes No

Application Number Country	Date of Filing Date of Issue (day, month, year) (day, month, year)	Priority Claimed Yes No
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## Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application	Date of Filing (day, month, year)
Number 60/424,542	8. November, 2002.

## Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this

application:		Status - Patented,
Application	Date of Filing (day, month, year)	Pending, Abandoned
Number		
		who full nower of substitution

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

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CUSTOMER NUMBER 21967

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

				for this unsigned inventor
	NR FIRST		A petition has been nied	for this unsigned inventor
NAME OF SOLE C	/15 T 11 10 1			
INVENTOR:			Date	
Signature			Family Name	TEITELBAUM
Given Name (first and middle (if a	ny)) George P.		or Sumame	Ellerayon
Citizenship:	US			
Residence:	Santa Monica, CA 325 16 <sup>th</sup> Street, Santa	= Monic	a CA 90402-2217	
Mailing Address:	325 16° Street, Same	A MOUNT		
NAME OF SECO	ND INVENTOR:			d for this unsigned inventor
			Date	
Signature			Family Name or Sumame	SHAOLIAN
Given Name (first and middle (if	any)) Samuel M.		OL Onlinging	<del>-</del>
Citizenship:	US Newport Beach, CA			
Residence:	Newport Deasth Street	, Newpi	ort Beach, CA 92660	
Malling Address:	2010 AIDELOS	•	, , , <b>.</b>	ed for this unsianed inventor
NAME OF THIR	D INVENTOR:		A petition has been to	An Int was ween and was a second
NAME OF THE			Dat	e
Signature			Family Name	
Given Name (first and middle (i	if any)) Thanh Van		or Surname	NGUYEN
Citizenship:	US			
Residence:	Irvine, CA 4752 Roxbury Drive	e Irvine	CA 92604	
Mailing Address:	4752 Roxbury Drive	2, 1, v., i		inventor
NAME OF FOU	RTH INVENTOR:		A petition has been t	filed for this unsigned inventor
			Da	••
Signature			Family Name	NGUYEN
Given Name (first and micdle	(if any)) Frank	•	or Surname	
Citizenship:	US			
Residence:	Superior, CO	oad #7	77-203, Superior, CO 8	0027
Mailing Address	: 1995 E. Coalloii R	wau, w		

HUNTON & WILLIAMS LLP

Untillectual Property Department

1900 K Street, N.W.

Suite 1200

Washington, DC 20005-1109

(202) 855-1500 (talophona); [202) 775-2201 (facaingle)

Mailing Address:

and an extensi f	NVENTOR-		A petition has been filed	for this unaigned inventor
IAME OF FIFTH I			Date Date	10-18-05
Signature  Siven Name first and middle (If a	ny)) To V.		Family Name or Surname	PHAM
Residence: Malling Address:	Trabuco Canyon, CA 28422 Pueblo Drive, T	Trabuco	Canyon, CA 92679	
NAME OF SIXTH	INVENTOR:		A petition has been filed	d for this unsigned inventor
NAME OF SIXII.			Date	
Signature  Given Name (first and middle (if	eny); Vinceni		Family Name or Surname	DIVINO, Jt.
Cltizonehip: Residence: Mailing Address:	US Mission Viejo, CA 24436 Mucla, Missio	n Viejo,		•
NAME OF SEVE	NTH INVENTOR:			ed for this unsigned inventor
Signature			Date	
Given Name (first and middle (i	fany)) Michael R.		Family Name or Sumame	HENSON
Citizenship: Residence: Mailing Address:	Coto de Casa, CA 2 Via Presea, Coto	de Cas:	a, CA 92679	

HUNTON & WALLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
5-Wie 1200
Washington, DC 20008-1106
(302) 988-1800 (telephone); (202) 775-2207 (facalitále)

Attorney Docket No.: 64118.000192

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the name; subject matter which is claimed and to: which a patent is acuent or the invention entitled:

# TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

TRANSPEDICULATION	
	or PCT International Application No.: (if applicable).
I hereby state that	I have reviewed and understand the contents of the above- cluding the claims, as amended by any amendment specifically
identified specification, in	
referred to above.	duty to disclose Information which is material to patentability as
	duty to disclose illionitation
acknowledge the	56
defined in 37 C.F.R. § 1.	ou.
	- A GASTIANINI

### Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number PCT/US03/09285	Country		Priority Claimed  Yes No  Yes No  No  Yes No  No  Yes
		•	

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed  Yes No
-----------------------	---------	-----------------------------------	----------------------------------	--------------------------

## Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002,

## Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this

application:		Status - Patented,
Application	Date of Filing (day, month, year)	Pending, Abandoned
Number		
		with full power of substitution a

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nereon.			- skop has been filed	for this unsigned inventor
IAME OF SOLE OR	FIRST	L A	peaulit lies book move	
NVENTOR:			Date	
Cluzeusuih.	<b>35</b> :		Family Name or Sumame	TEITELBAUN:
Residence: Mailing Address: NAME OF SECON	325 16th Street, Santa	Monica,	A petition has been file  Date	d for this unsigned inventor
Signature  Given Name  (first and middle (if an	ny)) Samuel M.		Family Name or Surname	SHAOLIAN
Citizenship: Residence: Mailing Address:	US Newport Beach, CA 2315 Arbutus Street,	Newport	Beach, CA 92660	led for this unsigned inventor
NAME OF THIRD	INVENTOR:	ا ا	Dat	
Signature  Given Name (first and middle (if	any)) Thanh Van		Family Name or Surname	NGUYEN
Citizenship: Residence: Mailing Address:	US Irvine, CA 4752 Roxbury Drive	, Irvine,	CA 92604	inventor
	RTH INVENTOR:			filed for this unsigned inventor
Signature Given Name (first and middle (i	fany)) Frank		Family Name or Surname	
Citizenship: Residence: Mailing Address:	US	oad, #77	-203, Superior, CO	30027

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
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(202) 955-1500 (telephone); [202) 778-2201 (Isceimite)

NAME OF FIFTH INVENTOR:			A petition has been filed	for this unsigned inventor
AVINE OF LIL III.	•••		Date	
Signature  Siven Name  first and middle (if a Citizenship:	ny)) To V. US		Family Name or Surname	PHAM
Residence: Mailing Address:	Trubuco Canyon, CA 28422 Pueblo Drive, T	rubucc		
NAME OF SIXTH	INVENTOR:		A petition has been filed	for this unsigned inventor
Signature  Given Name  (first and middle (if:	any)) Vincent		Femily Name or Sumame	DIVINO, Jr.
Citizenship: Residence: Mailing Address:	US Mission Viejo, CA 24436 Muela, Mission	ı Viejo,		
NAME OF SEVE	NTH INVENTOR:		A petition has been file  Date	ed for this unsigned inventor
Signature  Given Name  (first and middle (if	any)) Michael R.		Family Name or Sumame	HENSON
Crizenship: Residence: Mailing Address:	US Coto de Casa, CA 2 Via Presea, Coto d	e Case	, CA 92679	•

MUNTON & WILLIAMS LLP
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(202) 855-1500 (telephone); (202) 776-2201 (tecsimile)

Attorney Docket No.: 64118.000192

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

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I believe that I am the original, first and sole inventor (if only one name is listed name: below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is cialmed and ic. which a patent is sought or the invention entitled:

## TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

	- A STATE ANDICALION INVI	
	or PCT International Application	if applicable).
	I have reviewed and understand the contents of the claims, as amended by any amendment	the above-
I hereby state that	I have reviewed and understand by any amendment	specifically

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Application Number	Country		Yes No No	
PCT/US03/09285	PCT	25, Warch, 200	Yes No	

## Prior Provisional Application(s)

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/ Etting
Date of Filing (day, month, year)
8, November, 2002

## Prior United States Application(s)

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Number		
	- Uhr NA	th full power of substitution an

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JEIGOII.			has been filed fo	or this unsigned inventor
NAME OF SOLE O	RFIRST	A petition	US2 DEED MED 1	•
NVENTOR:			_ Date	
Signature		FEI	mily Neme	TEITELBAUM
Giver: Name (first and middle (if a	nyj) George F.	or !	Sumarrie	
Citizenship:	US			
Residence:	Santa Monica, CA 325 16 <sup>th</sup> Street, San	ta Monica, CA 904	02-2217	
Mailing Address:	325 16" Street, San	AS MONIOCI CO		
NAME OF SECO	ND INVENTOR:	A petition		for this unsigned inventor
			Date	
Signature		F	amily Name r Sumame	SHAOLIAN
Given Name (first and middle (if	any)) Samuel M.	0)	Loningine	
Citizenship:	US	Δ		
Residence:	Newport Beach, CA 2315 Arbutus Street	et Newport Beach,	CA 92660	
Malling Address:	2312 Wibring Olice			d to this unsigned inventor
NAME OF THIRI	D INVENTOR:	A petiti	on has been tile	ed for this unsigned inventor
NAME OF THIS			Date	
Signature			Family Name	NGUYEN
Given Name (first and middle (I	i any)) 'Thanh Van		or Sumame	Manieu
Citizenship:	US			
Residence:	Irvine, CA	us Indine CA 9261	04	
Mailing Address:	4752 Roxbury Dr	ve, Irvine, CA 9260	-	·
		☐ A peti	tion has been fi	led for this unsigned inventor
NAME OF FOU	IRTH INVENTOR:		Dat	le
Qianatura			Family Name	
Signature — Given Name (first and middle	(if any)) Frank		or Surname	NGUYEN
Citizenship:	US	•		
Residence:	Superior, CO		contact CO RC	27
Mailing Address	AND F Coolton	Road, #77-203, Su	perior, CO o	
Walling Address	4			

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
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Washington, DC 20005-1109
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AME OF FIFTH INVENTOR:		A petition has been filed for this unsigned inventor			
•			Date		
Signature Siven Name first and middle (if a		<del>-</del>	Family Name or Sumame	PHAM	
Citizenship: Residence: Mailing Address:	US Trubuco Canyon, CA 28422 Pueblo Drive,	Frubucc	Canyon, CA 92679		
NAME OF SIXTH	INVENTOR:		A petition has been filed Date	for this unsigned inventor	
Signature  Given Name  (first and middle (if	any)) Vîncent		Family Name or Surname	DIVINO, Jr.	
Citizenship: Residence: Mailing Address:	US Mission Viejo, CA 24436 Muela, Missio	n Vi <b>e</b> jo,			
NAME OF SEVE	NTH INVENTOR:		A petition has been file	ed for this unsigned inventor	
Signature  Given Name  (first and middle (in	(any)) Michael R.	M	Family Name or Sumame	HENSON	
Citizenship: Residence: Mailing Address:	US Coto de Casa, CA 2 Via Presea, Coto	de Cas	a, CA 92679	•	

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RECEPTION OK

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RECIPIENT ADDRESS

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TO

NAME

FIRM

**U.S. Patent and Trademark Office** 

MAIL STOP PCT

Office of PCT Legal Administration

571-273-0459

FAX NO.:

PHONE NO.:

PAGES (INCLUDING COVER):

37

**ORIGINAL TO FOLLOW IN MAIL:** 

☐ Yes ☒ No

FROM

NAME:

Robert A. King, Esq.

DIRECT DIAL:

404-888-4136

MESSAGE

In re Application Of:

referenced patent application:

Application No.:

TEITELBAUM et al. 10/534,055

Examiner:

Unassigned

Filed:

Art Unit:

Unassigned

International Start

RECEIVEL OUR 2006

Title:

May 6, 2005

Docket No.: 64118.000192

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS **METHODS AND DEVICES** 

The following documents are transmitted via facsimile in connection with the above-

Renewed Petition Under 37 C.F.R. 1.47(a) (4 pgs.) 1.

2. Declaration of Robert A. King, Esq., including Attachments 1-2 (12 pgs.)

3. Copies of executed Declarations (20 pgs.)

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404 • 888 • 4027.

**OPERATOR** 

DATE:

June 6, 2006

**CLIENT/MATTER NO.:** 

64118.000192

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the workproduct doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

10P-264

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4048884190

From: HUNTON & WILLIAMS 90-90-NNC 6Z:9l

Patent Attorney Docket No. 64118.000192 Customer No. 21967

#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	
TEITELBAUM et al.	Group Art Unit: Unassigned
Serial No.: 10/534,055	Examiner: Unassigned
Filed: May 6, 2005	Confirmation No. 2702
Title: TRANSPEDICULAR INTERVERTEBRAL ) DISK ACCESS METHODS AND DEVICES )	

#### RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

#### MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which

Attorney Docket No. 64118.000192 Application Serial No. 10/534,055 Customer No. 21967

Medtronic Sofamor Danek's intellectual property is assigned. Mr. Nguyen was employed by Vertelink Corporation, which was acquired by Medtronic Sofamor Danek.

In support of this petition, Applicants have enclosed:

- (1) Declarations bearing the executed signatures of George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson; and
- (2) A Declaration by registered patent attorney, Robert A. King, presenting facts relating to unsuccessful attempts to locate Mr. Nguyen and obtain his signature on a Declaration.

#### (A) Declarations by the Joint Inventors

Inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations on their own behalf. MPEP 409.03(a)(A)(1). Because these inventors duly executed Declarations in support of this application, the Declaration is filed in the names of those inventors on behalf of the remaining nonsigning inventor and on behalf of the entity to whom all inventors owe a duty of assignment, Medtronic Sofamor Danek. See MPEP 409.03(a)(A)(2) and 37 C.F.R. 1.47(a).

#### (B) Proof of Unavailability to Locate and Sign

Applicants have enclosed the Declaration of Robert A. King, Esq. containing relevant facts from which Applicants reasonably conclude that: (1) Applicants have made bona fide attempts to locate and obtain the signature of the nonsigning inventor and (2) Applicants are

Attorney Docket No. 64118.000192 Application Serial No. 10/534,055

Customer No. 21967

unable to locate Frank Nguyen to sign a Declaration verifying his status as co-inventor of the

subject application.

Applicants previously included as Attachment A to their Petition Under 37 C.F.R.

§ 1.47(a) filed on November 23, 2005, a copy of the declaration of Sabrina Chambers detailing

relevant facts in connection with the same unavailable inventor in a related pending application,

U.S. Patent Application Serial No. 10/999,216.

(C) Last Known Addresses of Non-Signing Inventor

Applicants were last aware of the following address for Frank Nguyen: 1995 E. Coalton

Road, #77-203, Superior, CO 80027.

(D) Facts Surrounding Unavailability to Sign

As detailed in the accompanying materials, Applicants and the entity to whom a duty of

assignment is owed have made repeated, ongoing and diligent attempts to obtain the papers for

completion of this application.

Frank Nguyen is no longer employed by Medtronic Sofamor Danek. Despite repeated

attempts, the nonsigning inventor has not responded with a signed Declaration, as detailed in the

accompanying Declaration of Robert A. King. This was through no fault of the signing

inventors or the entity to which a duty of assignment is owed.

Notwithstanding the unavailability of the nonsigning inventor to sign a Declaration

despite diligent attempts to obtain the same, Applicants respectfully request the Commissioner to

-3-

Attorney Docket No. 64118.000192 Application Serial No. 10/534,055 Customer No. 21967

grant this petition, and to accept U.S. Application No. 10/534,055 for the prosecution in due course to which Medtronic Sofamor Danek and Applicants George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson are entitled.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

Respectfully submitted, HUNTON & WILLIAMS

y: \_\_\_\_\_

Registration No. 42,738

Hunton & Williams LLP 1900 K Street, N.W., Suite 1200 Washington, D.C. 20006-1109 Telephone (202) 955-1950 Facsimile (202) 778-2201

Dated: June 6, 2006

#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	
TEITELBAUM et al.	) Group Art Unit: Unassigned
Serial No.: 10/534,055	Examiner: Unassigned
Filed: May 6, 2005	Confirmation No. 2702
Title: TRANSPEDICULAR INTERVERTEBRADISK ACCESS METHODS AND DEVICE	-

#### DECLARATION OF ROBERT A. KING, ESQ.

#### I, Robert A. King, state as follows:

- 1. I am a registered patent attorney (Reg. No. 42,738) employed by the law firm of Hunton & Williams LLP, legal representative of Medtronic Sofamor Danek for this matter. I submit this Declaration in support of the Renewed Petition under 37 C.F.R. 1.47(a) with respect to the above-referenced patent application.
- 2. A Notification of Missing Requirements under 35 U.S.C. 371 was mailed on July 25, 2005, from the U.S. Patent and Trademark Office with regard to the above-referenced patent application. In order to respond fully to the Notification of Missing Requirements, a signed oath or declaration from all the inventors was requested.
- 3. In a related patent application (U.S. Patent Application Serial No. 10/999,216) with the same inventive entity, Frank Nguyen was also a non-signing inventor. Sabrina Chambers of Medtronic Sofamor Danek executed a declaration in support of Mr. Nguyen's unavailability to sign. A copy of Ms. Chambers' declaration along with supporting Exhibits A-J were attached as Attachment A to Applicants' Petition Under 37 C.F.R. § 1.47(a), filed

Attorney Docket No. 64118.000192 Customer No. 21967

No. 10/999,216 was subsequently granted by the U.S. Patent and Trademark Office on September 13, 2005.

- 4. On October 25, 2005, Mr. Yisun Song, also a registered patent attorney employed by Hunton & Williams LLP, sent a letter to Frank Nguyen, a copy of which was attached to Applicants' November 23, 2005 Petition as Attachment B. In that letter, Mr. Song requested Mr. Nguyen to sign the declaration and Power of Attorney. A certified mail receipt for this letter was also attached as Attachment C. In response to the letter dated October 25, 2005, and the efforts related to obtaining Mr. Nguyen's signature for U.S. Application No. 10/534,055, we have not received a signed declaration from Mr. Nguyen. However, Mr. Nguyen's signature on the signed certified mail postcard clearly established that Superior, Colorado, was his last known mailing address.
- 5. On May 9, 2006, the U.S. Patent and Trademark Office mailed a Decision on Petition Under 37 CFR 1.47(a). The Office noted that a renewed petition should be filed that clearly set out the last known address for Frank Nguyen and clearly indicated whether Mr. Nguyen could be located at his last known address.
- 6. On May 18, 2006, a letter was mailed to Frank Nguyen via U.S. Certified Mail at his last known address of 1995 E. Coalton Road, #77, in Superior, Colorado, requesting that Mr. Nguyen execute and return a copy of the Declaration. A copy of the letter is included as Attachment 1. Pursuant to Section 409.03(d) of the MPEP, the letter clearly set out: 1) that Mr. Nguyen was requested to sign and return the Declaration, 2) the purpose for his doing so, and 3) that his failure to return a signed declaration represented his refusal to do so. Further, a

Attorney Docket No. 64118.000192 Customer No. 21967

copy of the subject application to which the declaration pertains was included with the letter and

Declaration.

7. The U.S. Postal Service subsequently returned the package mailed to Mr. Nguyen.

The front of the package was stamped "NOT DELIVERABLE AS ADDRESSED, UNABLE TO

FORWARD." A copy of the front of the package is attached as Attachment 2.

8. I further hereby declare that all statements made herein of my own knowledge are

true and that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code, and that such willful false statements may jeopardize the validity of the

application or any patent issued thereon.

DECLARANT:

Robert A. King

ATTACHMENT 1

T-870 P.09 Job-264

4048884180

## HUNTON& WILLIAMS

May 18, 2006

BANK OF AMERICA PLAZA SUITE 4100 ATLANTA, GEORGIA 30308-2216

HUNTON & WILLIAMS LLP

TEL 404 • 888 • 4000 FAX 404 • 888 • 4190

ROBERT A. KING DIRECT DIAL: 404-888-4136 EMAIL: rking@hunton.com

FILE NO: 64118.000192

## VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Frank Nguyen 1995 E. Coalton Road, #77 Superior, CO 80027

Re:

U.S. Patent Application No. 10/534,055 National Phase of PCT/US03/09285

Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

#### Dear Mr. Nguyen:

We are counsel for Medtronic Sofamor Danek. We write to ask that you execute the enclosed Declaration by signing and dating it in the spaces indicated, and that you return it to us in the envelope provided. Your signature on the Declaration verifies that you are a co-inventor in the above-referenced patent application, which was filed with the Patent Office on May 6, 2005. Further, your signature acknowledges that you are aware of your responsibility before the Patent Office to provide a copy of any information of which you become aware that may be considered relevant to the patentability of the invention. For your convenience, we enclose another copy of the application. We will need to file a copy of the executed Declaration with the Patent Office as soon as possible.

Your signature on the attached U.S. Postal Service return receipt postcard verifies that this letter has been forwarded to your correct mailing address. Therefore, your failure to sign, date, and return the Declaration indicates that you have no intention of doing so, and we will make no further attempts to contact you regarding this matter.

If you have any questions related to this matter, please feel free to contact us at your convenience.

Robert A. King

Very truly yours,

RAK/sm

ATLANTA AUSTIN BANGKOK BRUSSELS CHARLOTTE DALLAS HONG KONG KNOXVILLE

Attorney Docket No.: 64118.000192

#### DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which:	is attached hereto.  was filed on: May 6, 2005		
	as United States Application No.:	10/534,055	
or PCT International Application No. and was amended on:	• • • • • • • • • • • • • • • • • • • •		(if applicable).
	nave reviewed and understand the concluims, as amended by any amendr		_
I acknowledge the defined in 37 C.F.R. § 1.56.	duty to disclose information which is	material to pa	tentability as
	Prior Foreign Application(s)		

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed
PCT/US03/09285	PCT	25, March, 2003		Yes No 🗌
				Yes No
				Yes No

#### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)	
60/424,942	8, November, 2002	

#### Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
	·	

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER 21967

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Weshington, DC 20006-1109
(202) 955-1500 (telephone); (202) 776-2201 (fecsimile)

Page 2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:			A petition has been filed	for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any)) George P.		Family Name or Surname	TEITELBAUM
Citizenship:	US			
Residence:	Santa Monica, CA			
Mailing Address:	325 16 <sup>th</sup> Street, San	ıta Monica	, CA 90402-2217	
NAME OF SECO	ND INVENTOR:		A petition has been filed	for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any)) Samuel M.		Family Name or Surname	SHAOLIAN
Citizenship:	US			
Residence:	Newport Beach, CA			
Mailing Address:	2315 Arbutus Street	i, Newport	Beach, CA 92660	
NAME OF THIRE	INVENTOR:		A petition has been filed  Date	for this unsigned inventor
Signature Given Name		<u>,</u>	Family Name	
(first and middle (if	any)) <b>Thanh Van</b>		or Surname	NGUYEN
Citizenship:	US			
Residence:	Irvine, CA			
Malling Address:	4752 Roxbury Drive,	, Irvine, C	A 92604	
NAME OF FOUR	TH INVENTOR:		A petition has been filed	for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any)) <b>Frank</b>		Family Name or Surname	NGUYEN
Citizenship:	US			
Residence:	Superior, CO			
Mailing Address:	1995 E. Coalton Roa	id, #77-20	3, Superior, CO 80027	7

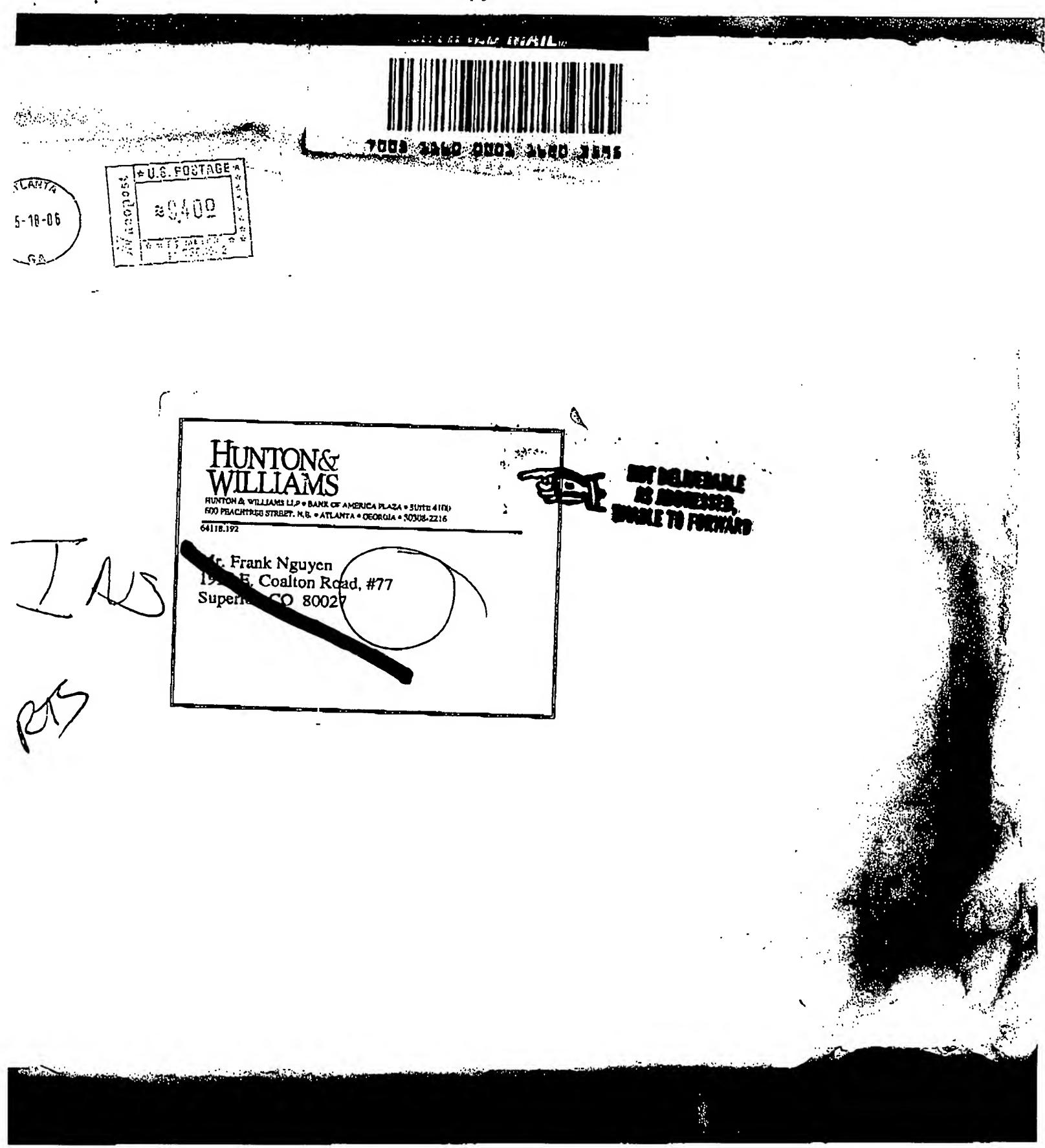
HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1200 (telephone); (202) 778-2201 (facsimile)

NAME OF FIFTH	INVENTOR:	□ A	petition has been file	d for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any)) To V.		Family Name or Surname	PHAM
Citizenship:	US			
Residence:	Trubuco Canyon,	CA		
Mailing Address:	28422 Pueblo Dri	ve, Trubuco Ca	anyon, CA 92679	•
NAME OF SIXTH	INVENTOR:	A	petition has been file	d for this unsigned inventor
Signature			Date	,—————————————————————————————————————
Given Name (first and middle (if	any)) <b>Vincent</b>		Family Name or Surname	DIVINO, Jr.
Citizenship:	US			
Residence:	Mission Viejo, CA	<b>L</b>		
Malling Address:	24436 Muela, Mis	slon Viejo, CA	92692	•
NAME OF SEVE	NTH INVENTOR:	□ A	petition has been file	d for this unsigned inventor
Signature			Date	
Given Name (firet and middle (if	eny)) Michael R.		Family Name or Surname	HENSON
Citizenship:	US			
Residence:	Coto de Casa, CA	<b>\</b>		
Mailing Address:	2 Via Presea, Cot	o de Casa, CA	92679	

HUNTON & WILLIAMS LLP Intellectual Property Department 1900 K Street, N.W. Guite 1200 Washington, DC 20008-1109 (202) 955-1500 (telephone); (202) 778-2201 (facsimile)

Mailing Address:

#### ATTACHMENT 2



SENDER: COMPLETE THIS SECTION	COMPLETE THE SECTION ON DELIVERY		
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.	A. Received by (Please Print Clearly) B. Date of Delivery		
<ul> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the malipiece, or on the front if space permits.</li> </ul>	C. Signature  Agent  Addressee  D. Is delivery address different from item 17		
1. Article Addressed to:  Mr. Frank Nguyen 1995E. Coalton Road, #7.  Superior, CO 80027	If YES, enter delivery address below:   No		
	3. Septice Type  Certified Mail		
•	4. Flustricted Delivery? (Extra Fee) Yes		
2. Article Number (Copy from service label)  7005 116 0001 1620 35	2-75		
PS Form 3811, July 1999 Domestic A.	9lpt 102595-00-M-0952		

1-870 P.17/37 Job-264

4048884190

JUN-06-06 16:32 From:HUNTON & WILLIAMS

Attorney Docket No.: 64118.000192

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought or the invention entitled:

## TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

	10/534,055	(If applicable).
t the section and understand the	he contents of	the above-

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

l acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

### Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filling date before that of the application on which priority is claimed:

date perole mar or				
Application Number PCT/US03/09285	Country	Date of Filing (day, month, year) 25, March, 2003	Date of Issue (day, month, year)	Yes No
				Yes No

Application Number  Country  Date of Filing (day, month, year)  Date of Issue (day, month, year)  Yes No
--

### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002
60/424,542	

### Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application	Date of Filing	Status - Patented, Pending, Abandoned
Number	(day, month, year)	

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER 21967

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and that these statements were made with the knowledge that willful false statement or both under 18 U.S.C. the like so made are punishable by fine and imprisonment or both under 18 U.S.C. \$ 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLF C	R FIRST INVENTOR:		A peti	ition has been t	filed f	or this unsigned inventor
	Hutella	us	<u> </u>	Dat	.e _	10/17/05
Signature	1 2000			Family Name		
Given Name (first and middle (if				or Surname	7	EITELBAUM
Citizenship:	US					
Residence:	Santa Monica, CA		-	00402-221	7	
Mailing Address:	325 16th Street, Sant	a Moni	ca, CA	90402-221	•	
NAME OF SECON	ID INVENTOR:		A pe	tition has been	filed	for this unsigned inventor
				Da	ite .	
Signature				Family Name		
Given Name (first and middle (it	fany)) Samuel M.			or Surname		SHAOLIAN
Citizenship:	US					
Residence:	Newport Beach, CA		. 5	L CA 92F	360	
Mailing Address:	2315 Arbutus Street	, Newp				
NAME OF THIRD	INVENTOR:		A pe	etition has beer	n filed	for this unsigned inventor
• == • • • • • • • • • • • • • • • • •				D:	ate	
Signature		· · · · · · · · · · · · · · · · · · ·		Family Name	е	
Given Name (first and middle (	if any)) Thanh Van			or Surname		NGUYEN
Çitizenship:	US					
Residence:	Irvine, CA		O A	02604		
Mailing Address:	4752 Roxbury Drive	, Irvine	e, CA	32007		

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Sueer, N.W.
Suite 1200
Washington, DC 20006-1109
Washington, DC 20006-178 2201 (Incaimite)

NAME OF FIFTH	INVENTOR:		A petition has been filed	for this unsigned inventor
Signature			Date	•
Given Name (first and middle (if a			Family Name or Surname	PHAM
Citizenship:	US CARROTT CA		·	
Residence:	Trabuco Canyon, CA		20000 CA 02670	
Malling Address:	28422 Pueblo Drive,	Trabuço (	Lanyon, CA Szors	
NAME OF SIXTH	INVENTOR:		A petition has been file	d for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any); Vinceni		Family Name of Surname	מוצואס, גו.
Citizenship:	US			
Residence:	Mission Viejo, CA			
Mailing Address:	24438 Muela, Miseit	on Viejo, C	A 92692	
NAME OF SEVE	NTH INVENTOR:		A petition has been file	d for this unsigned inventor
Clamplurb			Date	
Signature  Given Name  (first and middle (if	any)) Michael R.		Family Name or Sumame	HENSON
Citizenship:	บร			
Residence:	Coto de Casa, CA			
Mailing Address:	2 Via Presea, Coto	de Casa,	CA 92679	

HINTON & WILLIAMS LLP
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Washington, DC 20008-1109
(202) 988-9800 (telephone): (202) 778-2201 (facaimile)

Page 4

Mailing Address:

Attorney Docket No.: 64118.000192

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

		10/534,055	(if applicable).
2 2	as United States Application No.: or PCT International Application No.:		(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

#### Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or identified below by checking the box, any PCT international application having a filing plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Yes No
PCT/US03/09285	PCT	25, March, 2003		Yes No

Application Number  Country  C
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### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	(day, month, year)
60/424,942	8, November, 2002

### Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

	Status - Patented,
Date of Filing (day, month, year)	Pending, Abandoned
	ith full power of substitutio
	Date of Filing (day, month, year)

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

Customer Number 21967

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

thereon.					
NAME OF SOLE OF	R FIRST		A petition has been filed	for this unsigned inventor	•
NVENTOR:					
			Date		
Signature  Given Name (first and middle (if an	y)) George F.		remily Neme of Sumame	TEITELBAUM	
Citizenship: Residence: Mailing Address:	US Santa Monica, CA 325 16 <sup>th</sup> Street, Santa	Monica			
NAME OF SECON	D INVENTOR:		A petition has been file	od for this unsigned invento	r
Signature  Given Name  (first and middle (if a	ny)) Samuel M.		Family Name or Sumame	SHAOLIAN	
Citizenship: Residence: Malling Address:	US Newport Beach, CA 2315 Arbutus Street,	Newpor			ior
NAME OF THIRD	INVENTOR:			led for this unsigned invent	,0,
	Thalongs		Dat	e	
Signature  Given Name (first and middle (If	any)) Thanh Van		Family Name or Surname	NGUYEN	
Citizenship: Residence: Mailing Address:	US Irvine, CA 4752 Roxbury Drive,	Irvine,	CA 92604		
NAME OF FOUR	TH INVENTOR:		A petition has been	filed for this unsigned inver	ntor
			The second secon	ate	
Signature Given Name (first and middle (i	any)) Frank		Family Name or Surname	NGUYEN	
Cilizenship: Residence: Mailing Address:	US Superior CO		-203, Superior, CO 8	0027	
	t ·	HUNTON \$	WILLIAMS LLP operty Department Stand, N.W.		

HUNTON & WILLIAMS LLP
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Washington, DC 20096-1109
(202) 855-1600 (telephone); (202) 778-2201 (tacsinsis)

NAME OF FIFTH	INVENTOR:		A petition has been filed	tot this musiqued inventor
Signiature			Date	•
Given Name (first and middle (if	any)) <b>To V.</b>		Family Name or Surname	PHAM
Citizenship:	US		•	
Residence:	Trabuco Canyon,			
Malling Address:	28422 Pueblo Dri	va, Trabuco (	Салуоп, СА 92679	
NAME OF SIXTH	INVENTOR:		A petition has been filed	d for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	any); Vinceπί		Family Name or Sumame	pivino, Jt.
Citizenship:	US			•
Residence:	Mission Viejo, CA		- *-	
Mailing Address:	24436 Muela, Mis	sion Viejo, C	A 92692	
NAME OF SEVE	NTH INVENTOR:		A petition has been file	d for this unsigned inventor
Signature			Date	
Given Name (first and middle (if	(any)) Michael R	•	Family Name or Sumame	HENSON
Citizenship:	US			
Residence:	Coto de Casa, C			
Mailing Address:	2 Via Presea, Co	ito de Casa, I	CA 92679	

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Page 4

Mailing Address:

Attorney Docket No.: 64118.000192

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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## TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

as United States Application No.: or PCT International Application No.:	10/534,055	(if applicable).
and was amended on:		

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I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Yes No	Application Number PCT/US03/09285	Country	Date of Filing (day, month, year) 25, March, 2003		Yes No
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### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	& November, 2002

### Prior United States Application(s)

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application		
Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
		ith full power of substitution an

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

Customer Number 21967

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may Jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIR	ST <sup>°</sup>		A petition has been fi	iled for this unsigned inve	ntor
			Dat	te	
Giver: Name (first and middle (if any))  Change US	George P.		Family Name or Sumame	TEITELBAUM	
Chizenship.	a Monica, CA 16 <sup>th</sup> Street, Santa N	Monica			
NAME OF SECOND IN	ENTOR:		A petition has been	filed for this unsigned inv	BRIOL
•			D:	ate	
Signature  Oiven Name (first and middle (if any))	Samuel M.		Family Name or Sumame	SHAOLIAN	
Citizenship: US Residence: New Mailing Address: 231	port Beach, CA 5 Arbutus Street, N	Jewpoi	t Beach, CA 92660		vontst
NAME OF THIRD INVE	NTOR:			n filed for this unsigned in	ASIROI
Signature  Given Name  (first and middle (if any))	· Thanh Van		Family Nam or Surname		
Citizenship: US	ne, CA 2 Roxbury Drive, I	lrvine,			
NAME OF FOURTH IN	VENTOR:		A petition has bee	en filed for this unsigned i	NABUIOL
			The second secon	Date	
Signature  Given Name  (first and middle (if any))	Frank		Family Nar or Surnam		
Citizenship: US	perior CO	nd. #77	-203, Superior, CO	80027	-

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NAME OF FIFTH	NVENTOR:		A petition has been filed i	or this unsigned inventor
Simpotura.	Tyrangha	m	Date	10-18-05
Signature  Given Name  (first and middle (if a		·	Family Name or Surname	PHAM
Citizenship:	U\$		•	
Residence:	Trabuco Canyon, CA		O CA 97679	
Mailing Address:	28422 Pueblo Drive, To	rabuco	Canyon, CA 82019	
NAME OF SIXTH	INVENTOR:		A petition has been filed	for this unsigned inventor
S les entres			Date	
Signature  Given Name  (first end middle (if a	eny); Yinceni		Family Name or Surname	DIVINO, Jt.
Citizenship:	US			
Residence:	Mission Viejo, CA			
Malling Address:	24438 Muela, Mission	Viejo,	CA 92592	
NAME OF SEVE	NTH INVENTOR:		A petition has been filed	for this unsigned inventor
Side marks som			Date	
Signature  Given Name (first and middle (if	any)) Michael R.		Family Name or Sumame	HENSON
Citizenship:	US			
Residence:	Coto de Casa, CA		04 50570	
Mailing Address:	2 Via Presea, Coto de	: Casa,	CA 85818	

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Attorney Docket No.: 64118.000192

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

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	as United States Application No.: 10/534,055 or PCT International Application No.: and was amended on:	(if applicable).
i hereby state that	I have reviewed and understand the contents of	the above- specifically

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Application Number PCT/US03/09285	Country	a of Filing	· ·	Priority Claimed  Yes No
			·	

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### Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002

### Prior United States Application(s)

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application:		Status - Patented,
Application Number	Date of Filing (day, month, year)	Pending, Abandoned
		oth full power of substitution at

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER 21967

All correspondence and telephone communications should be addressed to:

Customer Number 21967

Page 2

L 1 5

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NAME OF SOLE (	OR FIRST		A petition has been filed	for this unsigned inventor
1144 (=141 (=17)			Date	
Signature Giver: Name (first and middle (if a Citizenship: Residence: Malling Address:	Santa Monica, CA 325 16 <sup>th</sup> Street, Santa	a Monic	Family Name or Sumame	TEITELBAUM
NAME OF SECO	ND INVENTOR:			for this unsigned inventor
Signature		,	Date	
Signature  Given Name  (first and middle (if	any)) Samuel M.		Family Name or Sumame	SHAOLIAN
Citizenship: Residence: Malling Address:	US Newport Beach, CA 2315 Arbutus Street,	, Newpo		
NAME OF THIR	D INVENTOR:		A petition has been file	ed for this unsigned inventor
Signature			Date Family Name	
Given Name (first and middle (	fany)) ' Thanh Van US		or Surname	NGUYEN
Citizenship:	Irvine, CA			
Residence: Mailing Address:	4752 Roxbury Drive	, Irvine,	CA 92604	
	RTH INVENTOR:			ed for this unsigned inventor
			Dat	€
Signature Given Name (first and middle	(if any)) Frank		Family Name or Surname	NGUYEN
Citizenship:	US	•		
Residence:	Superior, CO	_^~ 47.	7-203, Superior, CO 80	027
Mailing Address:	1995 E. Coalton Ko	J20, #11	1-2001 Onboured and	

HUNTON & WILLIAMS LLP

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NAME OF FIFTH	INVENTOR:	A petition has been filed for this	nueiguso invevioi
Signature		Date	
Given Name (first and middle (if	any)) To V.	Family Name or Surname PHAN	ก
Citizenship:	UŞ		
Residence:	Trubuco Canyon, CA		
Mailing Address:	28422 Pueblo Drive, Trubuc	o Canyon, CA 92679	
NAME OF SIXTH	INVENTOR:	A petition has been filed for this	unsigned inventor
Signature	Marine de in men	- DEIE	2 pt s 0 pt 0 1
Given Name (first and middle (if	any)) Vincent	Family Name or Sumame DIVII	10, Jr.
Citizenship:	US		•
Residence:	Mission Viejo, CA		
Malling Address:	24436 Muela, Mission Viejo,	CA 92692	
NAME OF SEVE	NTH INVENTOR:	A petition has been filed for this	unsigned inventor
Signature		Date	
Given Name (first and middle (if	any)) Michael R.	Family Name or Sumame HEN	SON
Citizenship:	US		
Residence:	Coto de Casa, CA	·	
Mailing Address:	2 Via Presea, Coto de Casa	, CA 92679	•

HUNTON & WILLIAMS LLP
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Page 4

Mailing Address:

. i i .

Attorney Docket No.: 64118.000192

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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as United States Application No.: 10/534,055 or PCT International Application No.:(i and was amended on:(i	if applicable).
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Application Number	Country	- A Filling	h .	Priority Claimed  Yes No
PCT/US03/09285	PCT			Yes No

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Application Number Cou	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed  Yes No
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## Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

60/424,942 8, November, 2002	Application Number	Date of Filing (day, month, year)
60/424,942	The second secon	8, November, 2002
	60/424,342	

## Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this

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Application	Date of Filing (day, month, year)	Pending, Abandoned
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	t annually w	vith full power of substitution a

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Page 2

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Suite 1200 Washington, DC 20005-1109

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Page 3

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AME OF FIFTH	INVENTOR:	_ A	petition has been filed	101 tuis nusiôneo maemor
			Date	
Signature  Siven Name  first and middle (if	any)) To V.		Family Name or Sumame	PHAM
Citizenship: Residence: Mailing Address:	US Trubuco Canyon, CA 28422 Pueblo Drive,	, Trubuco Ca		
NAME OF SIXTH	INVENTOR:		, petition has been filed	for this unsigned inventor
			Dale	
Signature Given Name (first and middle (if	any)) Vincent		Family Name or Surname	DIVINO, Jr.
Citizenship:	US			
Residence:	Mission Viejo, CA			
Mailing Address:	24436 Muela, Missi	on viejo, GA	4 82032	
NAME OF SEVE	NTH INVENTOR:	1 -		ed for this unalgned inventor
Signature		Sam	Date	
Given Name (first and middle (i	fany)) Michael R.		Family Name or Sumame	HENSON
Citizenship:	US			
Residence:	Coto de Casa, CA		A 02670	•
Malling Address:	2 Via Presea, Coto de Casa, CA 92679			

HUNTON & WILLIAMS LLP
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571-273-0459

FAX NO.: PHONE NO.:

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ORIGINAL TO FOLLOW IN MAIL:

☐ Yes ⊠ No

NAME: FROM

Robert A. King, Esq.

DIRECT DIAL:

404-888-4136

MESSAGE

In re Application Of:

Application No.:

TEITELBAUM et al.

Examiner: Art Unit:

Unassigned Unassigned

Filed: Title:

10/534,055 May 6, 2005

Docket No.: 64118.000192

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS **METHODS AND DEVICES** 

The following documents are transmitted via facsimile in connection with the abovereferenced patent application:

Renewed Petition Under 37 C.F.R. 1.47(a) (4 pgs.)

٦. Declaration of Robert A. King, Esq., including Attachments 1-2 (12 pgs.) 2.

Copies of executed Declarations (20 pgs.) Э.

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404 - 888 - 4027.

**OPERATOR** 

DATE:

CLIENT/MATTER NO.:

June 6, 2006 64118.000192

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NAME

**FIRM** 

**U.S. Patent and Trademark Office** 

**MAIL STOP PCT** 

571-273-0459

Office of PCT Legal Administration

**FAX NO.:** 

**PHONE NO.:** 

PAGES (INCLUDING COVER):

37

**ORIGINAL TO FOLLOW IN MAIL:** 

☐ Yes 
☐ No

**FROM** 

NAME:

Robert A. King, Esq.

DIRECT DIAL:

404-888-4136

**MESSAGE** 

In re Application Of:

**TEITELBAUM** et al.

Examiner:

Unassigned

Application No.:

10/534,055

Art Unit:

Unassigned

Filed:

Title:

May 6, 2005

Docket No.: TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS

64118.000192

**METHODS AND DEVICES** 

The following documents are transmitted via facsimile in connection with the abovereferenced patent application:

Renewed Petition Under 37 C.F.R. 1.47(a) (4 pgs.)

Declaration of Robert A. King, Esq., including Attachments 1-2 (12 pgs.)

Copies of executed Declarations (20 pgs.)

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404 • 888 • 4027.

**OPERATOR** 

DATE:

June 6, 2006

**CLIENT/MATTER NO.:** 

64118.000192

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#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	
TEITELBAUM et al.	) Group Art Unit: Unassigned
Serial No.: 10/534,055	) Examiner: Unassigned
Filed: May 6, 2005	) Confirmation No. 2702
Title: TRANSPEDICULAR INTERVERTI	•
DISK ACCESS METHODS AND DI	EVICES)

#### RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

#### MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which

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Medtronic Sofamor Danek's intellectual property is assigned. Mr. Nguyen was employed by Vertelink Corporation, which was acquired by Medtronic Sofamor Danek.

In support of this petition, Applicants have enclosed:

- (1) Declarations bearing the executed signatures of George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson; and
- (2) A Declaration by registered patent attorney, Robert A. King, presenting facts relating to unsuccessful attempts to locate Mr. Nguyen and obtain his signature on a Declaration.

#### (A) Declarations by the Joint Inventors

Inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations on their own behalf. MPEP 409.03(a)(A)(1). Because these inventors duly executed Declarations in support of this application, the Declaration is filed in the names of those inventors on behalf of the remaining nonsigning inventor and on behalf of the entity to whom all inventors owe a duty of assignment, Medtronic Sofamor Danek. See MPEP 409.03(a)(A)(2) and 37 C.F.R. 1.47(a).

#### (B) Proof of Unavailability to Locate and Sign

Applicants have enclosed the Declaration of Robert A. King, Esq. containing relevant facts from which Applicants reasonably conclude that: (1) Applicants have made bona fide attempts to locate and obtain the signature of the nonsigning inventor and (2) Applicants are

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unable to locate Frank Nguyen to sign a Declaration verifying his status as co-inventor of the subject application.

Applicants previously included as Attachment A to their Petition Under 37 C.F.R. § 1.47(a) filed on November 23, 2005, a copy of the declaration of Sabrina Chambers detailing relevant facts in connection with the same unavailable inventor in a related pending application, U.S. Patent Application Serial No. 10/999,216.

#### (C) Last Known Addresses of Non-Signing Inventor

Applicants were last aware of the following address for Frank Nguyen: 1995 E. Coalton Road, #77-203, Superior, CO 80027.

#### (D) Facts Surrounding Unavailability to Sign

As detailed in the accompanying materials, Applicants and the entity to whom a duty of assignment is owed have made repeated, ongoing and diligent attempts to obtain the papers for completion of this application.

Frank Nguyen is no longer employed by Medtronic Sofamor Danek. Despite repeated attempts, the nonsigning inventor has not responded with a signed Declaration, as detailed in the accompanying Declaration of Robert A. King. This was through no fault of the signing inventors or the entity to which a duty of assignment is owed.

Notwithstanding the unavailability of the nonsigning inventor to sign a Declaration despite diligent attempts to obtain the same, Applicants respectfully request the Commissioner to

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grant this petition, and to accept U.S. Application No. 10/534,055 for the prosecution in due course to which Medtronic Sofamor Danek and Applicants George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson are entitled.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

Respectfully submitted, HUNTON & WILLIAMS

By:

Robert A. King

Registration No. 42,738

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Dated: June 6, 2006

#### THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)
TEITELBAUM et al.	) Group Art Unit: Unassigned
Serial No.: 10/534,055	) Examiner: Unassigned
Filed: May 6, 2005	) Confirmation No. 2702
Title: TRANSPEDICULAR INTERVERTE DISK ACCESS METHODS AND DE	

#### DECLARATION OF ROBERT A. KING, ESQ.

#### I, Robert A. King, state as follows:

- 1. I am a registered patent attorney (Reg. No. 42,738) employed by the law firm of Hunton & Williams LLP, legal representative of Medtronic Sofamor Danek for this matter. I submit this Declaration in support of the Renewed Petition under 37 C.F.R. 1.47(a) with respect to the above-referenced patent application.
- 2. A Notification of Missing Requirements under 35 U.S.C. 371 was mailed on July 25, 2005, from the U.S. Patent and Trademark Office with regard to the above-referenced patent application. In order to respond fully to the Notification of Missing Requirements, a signed oath or declaration from all the inventors was requested.
- 3. In a related patent application (U.S. Patent Application Serial No. 10/999,216) with the same inventive entity, Frank Nguyen was also a non-signing inventor. Sabrina Chambers of Medtronic Sofamor Danek executed a declaration in support of Mr. Nguyen's unavailability to sign. A copy of Ms. Chambers' declaration along with supporting Exhibits A-J were attached as Attachment A to Applicants' Petition Under 37 C.F.R. § 1.47(a), filed

November 23, 2005. The Rule 47 petition for Frank Nguyen in U.S. Patent Application Serial No. 10/999,216 was subsequently granted by the U.S. Patent and Trademark Office on September 13, 2005.

- 4. On October 25, 2005, Mr. Yisun Song, also a registered patent attorney employed by Hunton & Williams LLP, sent a letter to Frank Nguyen, a copy of which was attached to Applicants' November 23, 2005 Petition as Attachment B. In that letter, Mr. Song requested Mr. Nguyen to sign the declaration and Power of Attorney. A certified mail receipt for this letter was also attached as Attachment C. In response to the letter dated October 25, 2005, and the efforts related to obtaining Mr. Nguyen's signature for U.S. Application No. 10/534,055, we have not received a signed declaration from Mr. Nguyen. However, Mr. Nguyen's signature on the signed certified mail postcard clearly established that Superior, Colorado, was his last known mailing address.
- 5. On May 9, 2006, the U.S. Patent and Trademark Office mailed a Decision on Petition Under 37 CFR 1.47(a). The Office noted that a renewed petition should be filed that clearly set out the last known address for Frank Nguyen and clearly indicated whether Mr. Nguyen could be located at his last known address.
- 6. On May 18, 2006, a letter was mailed to Frank Nguyen via U.S. Certified Mail at his last known address of 1995 E. Coalton Road, #77, in Superior, Colorado, requesting that Mr. Nguyen execute and return a copy of the Declaration. A copy of the letter is included as Attachment 1. Pursuant to Section 409.03(d) of the MPEP, the letter clearly set out: 1) that Mr. Nguyen was requested to sign and return the Declaration, 2) the purpose for his doing so, and 3) that his failure to return a signed declaration represented his refusal to do so. Further, a

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copy of the subject application to which the declaration pertains was included with the letter and Declaration.

- 7. The U.S. Postal Service subsequently returned the package mailed to Mr. Nguyen. The front of the package was stamped "NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD." A copy of the front of the package is attached as Attachment 2.
- 8. I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT:

Robert A. King

Date: 6 10 1006

**ATTACHMENT 1**